

Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOTE-00 INR-10 NSAE-00 RSC-01 FAA-00 PM-07 H-03 L-03

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 OMB-01 /121 R

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APPROVED BY EB/AN:MHSTYLES

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EUR/NE - MR. DAWKINS

L/T - MISS NILSEN

L/EB - MR. GAITHER

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R 122202Z APR 74

FM SECSTATE WASHDC

TO AMEMBASSY DUBLIN

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E.O. 11652: N/A

TAGS: ETRN, EI

SUBJECT: CIVAIR - CHARTER AGREEMENT

REF : DUBLIN 379

1. GOI PROPOSAL TO AMEND CHARTER RULES TO PROVIDE FOR 60-DAY ADVANCE BOOKING REGIME DOES NOT REPEAT NOT RAISE ANY PROBLEMS FOR US BUT USG VIEW IS THAT SUCH CHANGE FOR US-IRELAND FLIGHTS WOULD HAVE TO BE REFLECTED IN AMENDMENT TO MEMO OF UNDERSTANDING OF JUNE 29, 1973. REASON IS THAT ACCEPTANCE OF "ANY AMENDMENTS" TO ABC RULES (SEE FOOTNOTE 1 OF UNDERSTANDING) REFERS IN US VIEW ONLY TO AMENDMENTS WHICH REFLECT SO-CALLED "OTTAWA PRINCIPLES" ON CHARTERS, AND THAT 60-DAY REGIME WAS NOT ENVISIONED THEREIN. FYI: USG TOOK THIS POSITION IN TALKS WITH FRANCE, GERMANY AND UK AND SUCCEEDED THEREBY IN OBTAINING CERTAIN US OBJECTIVES. END FYI.

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2. SUBSEQUENT TO NEGOTIATIONS WITH FRANCE, FRG AND UK,

US CAB ISSUED NOTICE OF PROPOSED RULE MAKING, PROPOSING TO CHANGE THE 90-DAY TRAVEL GROUP CHARTER LIST FILING PERIOD TO 60 DAYS AND MAKE OTHER RELATED CHANGES IN TGC RULES. AT SAME TIME CHAIRMAN OF CAB ANNOUNCED THAT CAB WOULD SOON BE ISSUING NOTICE OF PROPOSED RULE MAKING PROPOSING TO CREATE A "SPECIAL EVENT" CHARTER. ACCORDINGLY, SINCE EACH PARTY HAS "ADVANCE CHARTER" RULE CHANGES PRESUMABLY ACCEPTABLE TO THE OTHER, EMBASSY MAY WISH TO PROPOSE TO FOREIGN MINISTRY AN AMENDMENT TO MEMORANDUM OF UNDERSTANDING WHEREBY EACH PARTY WOULD ACCEPT THE OTHER'S "ADVANCE CHARTER" RULE CHANGES REGARDING 60 DAY FILINGS AND RELATED DETAILS. A SOMEWHAT LESSER COMMITMENT TO "USE BEST EFFORTS" TO ACCEPT "SPECIAL EVENT" CHARTERS, AN OFFSHOOT OF "ADVANCE CHARTERS," WOULD ALSO BE USEFUL EVEN THOUGH SUCH CHARTERS ARE EXPECTED TO BE FAIRLY RARE. AMENDMENT COULD BE MADE BY THE ADDITION TO THE PRESENT ELEVEN NUMBERED SUBPARAGRAPHS OF THE UNDERSTANDING OF TWO ADDITIONAL SUBPARAGRAPHS (IDENTICAL IN WORDING TO THOSE RECENTLY ADDED TO THE US-UK MEMORANDUM OF UNDERSTANDING) AS FOLLOWS:

"(12) ACCEPT AS CHARTERWORTHY 'ADVANCE CHARTER' TRAFFIC ORGANIZED AND FLOWN PURSUANT TO A PREVIOUSLY ACCEPTED RULE WHICH HAS BEEN MODIFIED, TEMPORARILY OR OTHERWISE, TO PROVIDE FOR AN INITIAL FILING OF PASSENGER LISTS AT LEAST SIXTY DAYS (RATHER THAN AT LEAST NINETY DAYS) IN ADVANCE OF FLIGHT DEPARTURE.

"(13) USE THEIR BEST EFFORTS TO ACCEPT AS CHARTER-WORTHY CHARTER FLIGHTS OF A SPECIAL EVENT (CAP S AND E) CHARACTER ORGANIZED IN AND FLOWN FROM THE TERRITORY OF THE OTHER PARTY (CAP P).

3. IF ABOVE LANGUAGE IS ACCEPTABLE TO GOI, EMBASSY MAY PROPOSE EXCHANGE OF NOTES AS FOLLOWS:

A. TEXT OF NOTE:

"EXCELLENCY:
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I HAVE THE HONOR TO REFER TO THE MEMORANDUM OF UNDERSTANDING RELATING TO AIR CHARTER SERVICES BETWEEN OUR TWO GOVERNMENTS, APPROVED BY EXCHANGE OF NOTES JUNE 28 AND 29, 1973, AND TO PROPOSE THAT THE MEMORANDUM OF UNDERSTANDING BE AMENDED BY THE ADDITION OF THE FOLLOWING TWO SUBPARAGRAPHS:

(INSERT AGREED AMENDMENT)

I HAVE THE HONOR TO PROPOSE THAT, IF THE GOVERNMENT OF IRELAND AGREES TO THE AMENDMENT, THIS NOTE TOGETHER WITH YOUR REPLY TO THAT EFFECT SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THE DATE OF YOUR REPLY."

B. TEXT OF IRISH RESPONSE:

"EXCELLENCY:

I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR NOTE OF TODAY'S DATE WHICH READS AS FOLLOWS:

(TEXT OF US NOTE)

I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE GOVERNMENT OF IRELAND ACCEPTS THE PROPOSED AMENDMENT AND AGREES THAT YOUR NOTE TOGETHER WITH THIS REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE TODAY."

IN NOTES, CAPITALS SHOULD BE USED FOR "AIR CHARTER SERVICES AGREEMENT", "MEMORANDUM OF UNDERSTANDING", "GOVERNMENTS", AND "GOVERNMENTS". KISSINGER

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